



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/460,913 12/14/99 COMERFORD

L YD998-522

EXAMINER
----------

WM02/1107

AZAD, A	ART UNIT	PAPER NUMBER
---------	----------	--------------

WAYNE L. ELLENBOGEN  
RYAN, MASON & LEWIS, LLP.  
90 FOREST AVENUE  
LOCUST VALLEY NY 11560

2641

DATE MAILED:

11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/460,913	COMERFORD ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	ABUL K. AZAD	2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 August 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13, 16, 17 and 19 is/are rejected.
- 7) Claim(s) 14, 15 and 18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Response to Amendment***

1. This action is in response to the communication filed on August 27, 2001.
2. Claims 1-19 are pending in this action.
3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-5, 9-12 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 13, the applicant claims "the dialog manager enables connection between the input audio system and the speech decoding engine such that the spoken utterance provided by the user is provided from the input audio system to the speech decoding engine; the speech decoding engine decodes the spoken utterance to generate a decoded output which is returned to the dialog manager." It is unclear as to why one would decode speech which is not coded?

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 6 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuda et al. (US 5,355,433).

As per claim 6 and 19, Yasuda teaches, "a method of automatically providing a spoken language interface for a user with respect to at least one external network with which the user interacts, wherein the user process a portable spoken language interface device having a data structure for storing one or more user interface data sets used to provide one or more spoken language interfaces," the method comprising the steps of:

"the device requesting a spoken language interface data set from the external network upon discovery of the external network; the external network transferring the spoken language interface data set to the device; and loading the spoken language interface data set into the data structure of the device for use by the user interfacing with the external network" (Fig. 7).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7, 8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda et al. (US 5,355,433) as applied to claim 6 above.

As per claim 7 and 17, Yasuda does not teach that the device is in wireless communications with the external network. Official Notice is taken on well-known

wireless communication. It would have been obvious to one of ordinary skill in the art at the time of the invention to use wireless communication to transfer speech data so that one can easily communicate from any place without any wire connection.

As per claims 8 and 16, Yasuda does not teach that a personal data assistant (PDA) operatively coupled to the spoken language interface. However, Yasuda teaches a personal computer operatively coupled to the spoken language interface (Fig. 7, element 20). It would have been obvious to one of the ordinary skill in the art at the time of the invention to use a PDA instead of personal computer because a PDA has equal or more computational power than a personal computer.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda et al. (US 5,355,433) as applied to claim 6 above, and further in view of Balakrishnan (US 6,233,559).

As per claim 13, Yasuda does not teach, "the portable spoken language interface device prompting the user for information comprising a spoken utterance, the device being responsive to the spoken utterance for operatively modifying at least one of a predetermined parameter of the device and an application running on the device." However, Balakrishnan teaches the above features (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the spoken utterance for operatively modifying at least one parameter of the device so that speech that is not in the vocabularies can be recognized by the device.

11. Claims alternatively 6-8, 13, 16-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US 6,282,508).

As per claim 6 and 19, Kimura teaches, "a method of automatically providing a spoken language interface for a user with respect to at least one external network with which the user interacts, wherein the user process a portable spoken language interface device having a data structure for storing one or more user interface data sets used to provide one or more spoken language interfaces," the method comprising the steps of:

"the device requesting a spoken language interface data set from the external network upon discovery of the external network; the external network transferring the spoken language interface data set to the device; and loading the spoken language interface data set into the data structure of the device for use by the user interfacing with the external network" (Abstract).

Kimura does not explicitly teach, that the language is the spoken language. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a spoken language so as to create correct pronunciation of that language.

As per claim 7 and 17, Kimura does not teach that the device is in wireless communications with the external network. Official Notice is taken on well-known wireless communication. It would have been obvious to one of ordinary skill in the art at the time of the invention to use wireless communication to transfer speech data so that one can easily communicate from any place without any wire connection.

As per claims 8 and 16, Kimura does not teach that a personal data assistant (PDA) is operatively coupled to the spoken language interface. However, Kimura teaches a computer or machine translation system operatively coupled to the spoken language interface (col. 4, lines 1-14). It would have been obvious to one of the ordinary

skill in the art at the time of the invention to use a PDA instead of a computer because a PDA has equal or more computational power than a personal computer.

As per claim 13, Kimura teaches, "the portable spoken language interface device prompting the user for information comprising a spoken utterance, the device being responsive to the spoken utterance for operatively modifying at least one of a predetermined parameter of the device and an application running on the device." (col. 9, lines 31-49)

***Allowable Subject Matter***

12. Claims 1-5, 9-12 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
13. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is (703) 305-3838.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **William Korzuch**, can be reached at (703) 305-6137.

Any response to this action should be mailed to:

**Commissioner for Patents**

**Washington, D.C. 20231**

Or faxed to:

**(703) 872-9314**

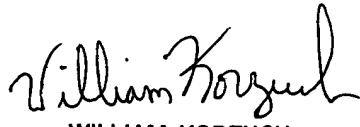
(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is **(703) 305-4700**.

Abul K. Azad

November 5, 2001

  
WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800